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By:

Lewis J. Kreisler
Lewis J. Kreisler
Reg. No. 38522

Date: 12-7-04

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

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| Inventor(s): | Robert M. Lorence, et al. | Atty. Ref | 18029 |
| Appl. No.: | 10/700,143 | Group Art Unit: | 1614 |
| Filed: | November 3, 2003 | Examiner: | |
| Conf. No.: | 3847 | Customer No.: | 31976 |
| Title: | TREATING CARCINOID NEOPLASMS WITH THERAPEUTIC VIRUSES | | |

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December 7, 2004

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

SUPPLEMENTAL INFORMATION DISCLOSURE STATEMENT

Pursuant to 37 CFR 1.56 and 1.97, the attention of the Examiner is directed to the following:

Claims 332, 337-339, 343, 348, 350 and 355 in copending U.S. Application No. 08/260,536 (the '536 application) have been provisionally rejected for alleged obviousness-type double patenting over claims 1-8, 13 and 16-18 of the subject application. Moreover, certain claims in the '536 application have been provisionally rejected for alleged obviousness-type double patenting over each of U.S. Application No. 09/958,809 (the '809 application), No. 10/167,652 (US PGPUB No. 2003/0165465), and No. 10/044,955 (US PGPUB No. 20030044384). In each case the

Inventor(s): Lorence, et al.
Application No.: 10/700,143
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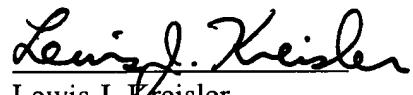
reason for the double patenting rejection is said to be that the allegedly conflicting claims "are not patentably distinct from each other because both claimed invention[s] are directed to method of treating cancer with Newcastle Disease Virus." (April 16, 2004 Office Action in the '536 application, pages 6-7).

A copy of the allegedly conflicting claims from the '536 application is enclosed. A copy of the pending claims in the '809 application is enclosed. One copy of each of the '652 application and the '955 application, each as published, is enclosed. Also enclosed is a Form PTO-1449 listing the '652 application and the '955 application, as published.

This Statement is being filed prior to the mailing of a first Office Action on the merits.
Consideration of this Statement is respectfully requested. 37 CFR 1.97(b)(3).

It is believed that no fee is required in connection with the filing of this Statement. If any fee is required, the Commissioner is hereby authorized to charge the amount of such fee to Deposit Account No. 50-1677.

Respectfully submitted,


Lewis J. Kreisler
Reg. No. 38522
Attorney for Applicant(s)

930 Clopper Road
Gaithersburg, MD 20878
Phone: (240) 631-2500 x3276
Facsimile: (240) 683-3794

CLAIMS IN APPLICATION NO. 08/260,536 PROVISIONALLY REJECTED FOR
ALLEGED OBVIOUSNESS-TYPE DOUBLE PATENTING OVER SUBJECT APPLICATION

332. A method of treating cancer in a mammal having a tumor comprising administering systemically to said mammal a live Newcastle Disease Virus in an amount sufficient to cause tumor regression.

337. A method as in claim 332 wherein said Newcastle Disease Virus is strain Mass MK107.

338. A method as in claim 332 wherein said Newcastle Disease Virus is strain 73-T.

339. A method as in claim 332 wherein said administering systemically is administering in multiple doses.

343. A method of treating cancer in a mammal having a tumor comprising administering systemically to said mammal more than one dose of a live Newcastle Disease Virus.

348. A method as in claim 343 wherein said Newcastle Disease Virus is strain Mass MK107.

350. A method as in claim 343 wherein the Newcastle Disease Virus is administered systemically in an amount sufficient to cause tumor regression.

355. A method of treating cancer in a mammal having a tumor comprising administering intravenously to said mammal more than one dose of a live Newcastle Disease Virus in an amount sufficient to cause tumor regression.



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Substitute for form 1449/PTO

INFORMATION DISCLOSURE STATEMENT BY APPLICANT

(Use as many sheets as necessary)

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| <p>Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it contains a valid OMB control number.</p> <p>MADE MAILED Substitute for form 1449/PTO</p> <p>INFORMATION DISCLOSURE STATEMENT BY APPLICANT <i>(Use as many sheets as necessary)</i></p> | | <p>Complete If Known</p> <table border="1"> <tr> <td>Application Number</td> <td>10/700,143</td> </tr> <tr> <td>Filing Date</td> <td>November 3, 2003</td> </tr> <tr> <td>First Named Inventor</td> <td>Robert M. Lorence</td> </tr> <tr> <td>Art Unit</td> <td>1614</td> </tr> <tr> <td>Examiner Name</td> <td>Not Assigned</td> </tr> <tr> <td>Attorney Docket Number</td> <td>18029</td> </tr> </table> | | Application Number | 10/700,143 | Filing Date | November 3, 2003 | First Named Inventor | Robert M. Lorence | Art Unit | 1614 | Examiner Name | Not Assigned | Attorney Docket Number | 18029 |
| Application Number | 10/700,143 | | | | | | | | | | | | | | |
| Filing Date | November 3, 2003 | | | | | | | | | | | | | | |
| First Named Inventor | Robert M. Lorence | | | | | | | | | | | | | | |
| Art Unit | 1614 | | | | | | | | | | | | | | |
| Examiner Name | Not Assigned | | | | | | | | | | | | | | |
| Attorney Docket Number | 18029 | | | | | | | | | | | | | | |
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U. S. PATENT DOCUMENTS

FOREIGN PATENT DOCUMENTS

| FOREIGN PATENT DOCUMENTS | | | | | |
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| Examiner Initials* | Cite No. ¹ | Foreign Patent Document | Publication Date MM-DD-YYYY | Name of Patentee or Applicant of Cited Document | Pages, Columns, Lines, Where Relevant Passages Or Relevant Figures Appear |
| | | Country Code ³ -Number ⁴ -Kind Code ⁵ (if known) | | | |
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| Examiner Signature | | Date Considered | |
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*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant. ¹Applicant's unique citation designation number (optional). ²See Kinds Codes of USPTO Patent Documents at www.uspto.gov or MPEP 901.04. ³Enter Office that issued the document, by the two-letter code (WIPO Standard ST.3). ⁴For Japanese patent documents, the indication of the year of the reign of the Emperor must precede the serial number of the patent document. ⁵Kind of document by the appropriate symbols as indicated on the document under WIPO Standard ST.16 if possible. ⁶Applicant is to place a check mark here if English language Translation is attached.

This collection of information is required by 37 CFR 1.97 and 1.98. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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